

Department of Health
Notice of Rulemaking Hearing
Board for Licensing Health Care Facilities
Division of Health Care Facilities

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of amendment of rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room on the Ground floor of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 11:00 a.m. (CST) on the 17th day of April, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Care Facilities, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing visit the Department of Health's web page on the Internet at www.state.tn.us/health and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-0508, (615) 741-7598.

Substance of Proposed Rules

Chapter 1200-8-7
Residential Home for Aged Quality Enabling Program

Amendments

Rule 1200-8-7-.01, Purpose, is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

1200-8-7-.01 Purpose. It is the intent of this rule to improve the quality of care and of service in Tennessee's Residential Homes for the Aged through the mechanism of distributing certain designated and limited state funds. This rule is now jointly promulgated by the Tennessee Board for Licensing Health Care Facilities and Tennessee Department of Health to implement the provisions of Chapter 927 of the Public Acts of 1986.

Authority: T.C.A. §§4-5-202, 4-5-204, 53-1310, 68-11-209, and 12-4-320 (Public Acts of 1986, chapter 927).

Rule 1200-8-7-.03, Participation of Providers, is amended by deleting subparagraph (1)(a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1)(a) shall read:

(1)(a) Be currently licensed by the Board as a residential home for the aged;

Authority: T.C.A. §§4-5-201 et seq., 4-5-202, 4-5-204, 68-11-209, and 12-4-320 (Public Acts of 1986, chapter 927).

Rule 1200-8-7-.05, Reimbursement, is amended by deleting subparagraphs (1)(a) and (1)(c) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1)(a) and (1)(c) shall read:

(1)(a) The Department shall reimburse an approved and participating residential home for the aged for each day of care and services given to an approved and participating resident as permitted by allocated funding.

(1)(c) The Department will reimburse a participating home the current amount as defined in T.C.A. §12-4-320(b) of thirteen dollars (\$13.00) per eligible resident day, not to exceed the maximum allowable percentage rate based on the allotted contract amount for the current fiscal year.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-209, and 12-4-320 (Public Acts of 1986, chapter 927).

Rule 1200-8-7-.05, Reimbursement, is amended by deleting subparagraph (1)(b) and renumbering the remaining subparagraphs appropriately.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-209, and 12-4-320 (Public Acts of 1986, chapter 927).

Rule 1200-8-7-.06, Termination from Participation, is amended by deleting subparagraph (1)(b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1)(b) shall read:

(1)(b) A resident no longer meets the requirements for participation, set forth in 1200-8-7-.02, or a provider no longer meets the requirements for participation, set forth in 1200-8-7-.03;

Authority: T.C.A. §§4-5-202, 4-5-204, 53-1310, 68-11-209, and 12-4-320 (Public Acts of 1986, chapter 927).

Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 1st Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board for Licensing Health Care Facilities.

Katy Gammon, Director
Division of Health Care Facilities

Subscribed and sworn to before me this the 15th day of February, 2006.

Notary Public

My commission expires on the 27th day of January, 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____